

FILED/ACCEPTED

OCT 15 2007

Federal Communications Commission  
Office of the Secretary

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	EB Docket No. 07-147
	)	
<b>PENDLETON C. WAUGH, CHARLES M. AUSTIN, and JAY R. BISHOP</b>	)	File No. EB-06-IH-2112
	)	NAL/Acct. No. 200732080025
	)	
<b>PREFERRED COMMUNICATION SYSTEMS, INC.</b>	)	FRN No. 0003769049
	)	
Licensee of Various Site-by-Site Licenses in the Specialized Mobile Radio Service.	)	
	)	
<b>PREFERRED ACQUISITIONS, INC.</b>	)	FRN No. 0003786183
	)	
Licensee of Various Economic Area Licenses in the 800 MHz Specialized Mobile Radio Service	)	

To: Charles M. Austin

**ENFORCEMENT BUREAU'S FIRST REQUEST FOR  
PRODUCTION OF DOCUMENTS TO  
CHARLES M. AUSTIN**

The Enforcement Bureau ("Bureau"), pursuant to Section 1.325 of the Commission's Rules, 47 C.F.R. § 1.325, hereby requests that Charles M. Austin ("Austin") produce the documents specified herein for inspection and copying. Production shall be made at the offices of the Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, Suite 4-C330, 445 12<sup>th</sup> Street, S.W., Washington, DC 20554 (or at some other location that is mutually acceptable to the Bureau and Austin) within 10 days of the date of this request.

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### **Definitions and Instructions**

- a. "Austin" means Charles M. Austin, President and CEO of Preferred Communication Systems, Inc.
- b. "Commission" means Federal Communications Commission.
- c. "PCSI" means Preferred Communication Systems, Inc., any affiliate, d/b/a, predecessor-in-interest, parent company, wholly or partially owned subsidiary, successor-in-interest or other affiliated company or business, and all directors, officers, employees, shareholders or agents, including consultants and any other persons working for or on behalf of any of the foregoing during the period January 1, 1998 through the present.
- d. "PAI" means Preferred Acquisitions, Inc., any affiliate, d/b/a, predecessor-in-interest, parent company, wholly or partially owned subsidiary, successor-in-interest or other affiliated company or business, and all directors, officers, employees, shareholders or agents, including consultants and any other persons working for or on behalf of any of the foregoing during the period January 1, 1998 through the present.
- e. "Document" means the complete original (or in lieu thereof, exact copies of the original) and any non-identical copy (whether different from the original because of notations on the copy or otherwise), regardless of origin or location, of any taped, recorded, transcribed, written, typed, printed, filmed, videotaped, punched, computer-stored, or graphic matter of every type and description, however and by whomever prepared, produced, disseminated, or made, including but not limited to any book, pamphlet, periodical, contract, agreement, correspondence, letter, facsimile, e-mail, file, invoice, memorandum, note, telegram, report, record, handwritten note, working paper,

routing slip, chart, graph, photograph, paper, index, map, tabulation, manual, guide, outline, script, abstract, history, calendar, diary, agenda, minutes, marketing plan, research paper, personnel file, personnel folder, preliminary drafts, or versions of all of the above, and computer material (print-outs, cards, magnetic or electronic tapes, disks and such codes or instructions as will transform such computer materials into easily understandable form) in the possession, custody, or control of Austin.

f. “Relate to” and “relating to” mean constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, concerns or in any way is pertinent to the specified subject, including documents concerning the preparation of the documents.

g. “All” shall be construed to include the word “any.”

h. Each Document produced shall be identified by the number of the Document request to which it is responsive, and each Document shall be produced in its entirety, even if only a portion of that Document is responsive to a request herein. This means that the Document shall not be edited, cut, or expunged, and shall include all appendices, tables, or other attachments, and all other Documents referred to in the Document or attachments. All written materials necessary to understand any Document responsive to these inquiries must also be produced.

i. If a Document responsive to any request herein existed but is no longer or not currently available, or if Austin is unable for any reason to produce a Document responsive to any request, each such Document shall be identified by author, recipient, date, title, and specific subject matter, and a full explanation shall be provided why the Document is no longer available or why Austin is otherwise unable to produce it.

j. If any Document produced in response to any request herein is not dated, the date on which the Document was prepared shall be provided. If any Document does not identify its author(s) or recipient(s), the name(s) of the author(s) or recipient(s) of the Document shall be provided.

k. This request is continuing in nature, requiring immediate production if a further or different Document responsive to any request herein comes into the possession, custody, or control of Austin during the pendency of this proceeding.

l. If production of any Document responsive to any request herein called for by this request is refused pursuant to a claim of privilege, the Document shall be identified by reference to its author, recipient(s) (including any person receiving a copy, regardless of whether that recipient is listed on the Document), date, and subject matter. The basis for the privilege claimed for such Document shall be specified with sufficient precision to permit assessment of the applicability of the privilege involved.

#### **Documents Requested**

1. All Federal and state income tax returns filed by Austin from January 1, 1998, to the present.

2. All Documents relating to and/or evidencing Austin's knowledge of each of the felony convictions of Pendleton C. Waugh.

3. All Documents relating to and/or evidencing Austin's knowledge of each of the felony convictions of Jay R. Bishop.

4. All applications filed by or on behalf of Austin with the Commission and all Documents relating to the planning, preparation, review and filing of such applications.

5. All applications filed by or on behalf of PCSI with the Commission and all Documents evidencing Austin's involvement in the planning, preparation, review and filing of such applications.

6. All applications filed by or on behalf of PAI with the Commission and all Documents evidencing Austin's involvement in the planning, preparation, review and filing of such applications.

7. All Documents relating to any financial obligations that Austin has incurred on behalf of PCSI.

8. All Documents relating to any financial obligations that Austin has incurred on behalf of PAI.

9. All Documents relating to the hiring, firing and/or supervising by Austin of PCSI employees, agents and/or other personnel.

10. All Documents relating to the hiring, firing, and/or supervising by Austin of PAI employees, agents and/or other personnel.

11. All Documents relating to any contracts, arrangements, understandings and/or agreements that Austin has negotiated, or participated in negotiating, on behalf of PCSI.

12. All Documents relating to any contracts, arrangements, understandings and/or agreements that Austin has negotiated, or participated in negotiating, on behalf of PAI.

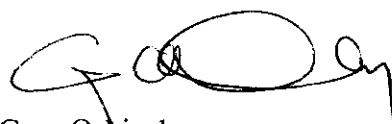
13. Any Documents relating to salaries, profits, monies and/or other consideration or compensation, whether tangible or intangible, of any kind and to any extent whatsoever, that Austin has ever earned from, or been promised, by PCSI.

14. Any Documents relating to salaries, profits, monies and/or other consideration or compensation, whether tangible or intangible, of any kind and to any extent whatsoever, that Austin has ever earned from, or been promised, by PAI.

15. All Documents supporting each of Austin's answers to the Enforcement Bureau's First Set of Interrogatories to Charles M. Austin.

16. All Documents on which Austin intends to rely to support any legal or factual premise or defense at any hearing in this proceeding.

Respectfully submitted,  
Kris Anne Monteith  
Chief, Enforcement Bureau



Gary Oshinsky  
Attorney, Investigations and Hearings Division



Anjali Singh  
Attorney, Investigations and Hearings Division

Federal Communications Commission  
Enforcement Bureau  
Investigations and Hearings Division  
445 12<sup>th</sup> Street, S.W., Room 4-C330  
Washington, D.C. 20554  
(202) 418-1420

October 15, 2007

## **CERTIFICATE OF SERVICE**

Kerri Johnson a Paralegal Specialist in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has, on this 15th day of October, 2007, sent by first class United States mail or electronic mail, as noted, copies of the foregoing "Enforcement Bureau's First Request for Production of Documents to Charles M. Austin" to:

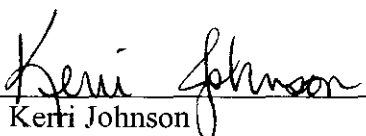
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Attorney for Pendleton C. Waugh

Administrative Law Judge Arthur I. Steinberg\*  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room 1-C861  
Washington, D.C. 20054

  
Kerri Johnson

\* Hand-Delivered and Courtesy Copies Sent Via E-Mail

\*\* Courtesy Copies Sent Via E-Mail (E-Mail service acceptable in lieu of hard copies  
for files 4 MB or less per agreement with counsel.)